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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,356	04/14/2000	Girish V. Prabhu	79556PRC	8811
1333	7590	03/24/2005	EXAMINER	
PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			JERABEK, KELLY L	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/549,356	PRABHU ET AL.	
	Examiner	Art Unit	
	Kelly L. Jerabek	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 42-65 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42-43, 45, 48-50, 53-54, 56, and 59-61 rejected under 35 U.S.C. 103(a) as being unpatentable over Kare et al. US 5,541,656 in view of Alland et al. WO 98/01982.

Re claim 42, Kare discloses in figure 9A a digital camera (100) coupled to a host computer (110) including a remote display (120) via a communication link. Figures 7 and 8A show command buttons (220,230,240) for controlling options available to the

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user such as the icons on LCD (260) shown in figure 7 (col. 3, line 17 – col. 4, line 23). Therefore, the digital camera (100) includes an image display (260) for displaying a plurality of icons (330, 290, 300, 310, 320). Also, as can be seen in figure 9B selection (actuation) of a given icon results in initiating a corresponding function of the camera and a marker segment is shown above the icon (col. 5, lines 18-30). Figure 12 shows a general layout of a user interface of the camera including LCD (260). The new user interface includes functions and operating modes such as flash mode, timer, exposure offset, delete last picture, and delete all pictures (col. 10, lines 34-45). Kare further states that all of the status, functions, and operating modes can also be viewed and/or set via camera control software on the host system (110) (col. 10, lines 46-67).

Therefore, it can be seen that customization software that provides a simulation of the graphical user interface of the digital camera (100) on a display device (120) separate from the camera (100) is executed external to the camera (100). Also, in response to input from a user, the simulation of the graphical user interface of the remote computer (110) is modified to customize the graphical user interface of digital camera for the particular user (col. 10, lines 34-67). In addition, firmware is configured to provide the customized graphical user interface and the configured firmware is stored in the digital camera to customize the user interface of the camera (col. 11, lines 1-31). Although the Kare reference discloses all of the above limitations it fails to distinctly state that the customization software permits selection of one of a plurality of different actuatable versions of at least a given icon and that a particular one of different actuatable versions of a given icon is selected based on input from a user.

Alland discloses in figure 1 a communication device (100) such as a personal messaging device. The communication device includes an icon database (140) for storing icons that are capable of being presented on a display (125) (page 3, lines 3-11). The communication device (100) also includes a programmer (150) that programs the icon database (140) in accordance with programming information provided by a user (page 3, lines 20-28). Using the programmer (150) a user can customize icons to represent different types of messages (page 3, lines 29-37). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the teaching of allowing a user of a device to customize icons on a display of the device as disclosed by Alland in the digital camera capable of being programmed using customization software that is executed external to the camera and which provides a simulation of the graphical user interface of the camera on a display device separate from the camera as disclosed by Kare. Doing so would provide a means for allowing a user to select icons having meanings that can be quickly and easily discerned by the user (Alland: page 3, lines 34-37).

Re claim 43, the customization software disclosed by Kare is provided on a computer program product (col. 3, lines 29-39).

Re claim 45, Kare discloses that the simulation of the graphical user interface is provided using a host computer (fig. 9A: 110) (col. 10, lines 59-67).

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Re claim 48, Kare states that the configured firmware downloaded to the camera (100) from the remote computer (110) is executed by a camera processor to control the operation of the digital camera (col. 10, lines 34-58).

Re claim 49, the digital camera (100) disclosed by Kare includes a graphical user interface that is configured according to the method of claim 42 (col. 3, lines 40-47).

Re claim 50, a computer program product having the customization software for performing the method of claim 42 is provided in Kare (col. 3, lines 29-39).

Re claim 53, Kare discloses in figure 9A a digital camera (100) coupled to a host computer (110) via a communication link. Customization software that provides a simulation of the graphical user interface of the digital camera (100) on a display device (120) separate from the camera (100) is executed external to the camera (100) (col. 3, lines 29-47). The host software manipulates the data files and images of the camera (100) via a keyboard (130) (col. 3, lines 36-39). Furthermore, the host computer has control over all of the operations of the camera including any function of the camera graphical user interface (col. 10, lines 65-67). In response to input from a user, the simulation of the graphical user interface of the remote computer (110) is modified to customize the graphical user interface of digital camera for the particular user by allowing the user to select a desired camera feature from a list of available camera features (col. 3, lines 36-47; col. 10, lines 34-64). In addition, firmware is configured to

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provide the customized graphical user interface and the configured firmware is stored in the digital camera to customize the user interface of the camera (col. 11, lines 1-31).

Although the Kare reference discloses all of the above limitations it fails to distinctly state that the customization software permits selection of one of a plurality of different actuatable versions of at least a given icon and that a particular one of different actuatable versions of a given icon is selected based on input from a user.

Alland discloses in figure 1 a communication device (100) such as a personal messaging device. The communication device includes an icon database (140) for storing icons that are capable of being presented on a display (125) (page 3, lines 3-11). The communication device (100) also includes a programmer (150) that programs the icon database (140) in accordance with programming information provided by a user (page 3, lines 20-28). Using the programmer (150) a user can customize icons to represent different types of messages (page 3, lines 29-37). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the teaching of allowing a user of a device to customize icons on a display of the device as disclosed by Alland in the digital camera capable of being programmed using customization software that is executed external to the camera and which provides a simulation of the graphical user interface of the camera on a display device separate from the camera as disclosed by Kare. Doing so would provide a means for allowing a user to select icons having meanings that can be quickly and easily discerned by the user (Alland: page 3, lines 34-37).

Re claim 54, see claim 43.

Re claim 56, see claim 45.

Re claim 59, see claim 48.

Re claim 60, see claim 49.

Re claim 61, see claim 50.

Claims 51-52, and 62-63 rejected under 35 U.S.C. 103(a) as being unpatentable over Kare et al. in view of Alland et al. as applied to claims 42 and 53 in view of Steinberg et al. US 6,006,039.

Re claims 51 and 62, Kare in view of Alland discloses all of the limitations according to claims 42 and 53 above, however Kare in view of Alland fails to state that at least one of the camera features selected by the user includes monochrome effects, sepia effects, or special effects filters.

Steinberg discloses in figure 1 two digital cameras (10,12) capable of storing firmware components in a programmable memory of the digital camera. Customization software that can access a plurality of firmware components and provide a variety of

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different camera features is provided on an external device such as a PC (14) (col. 4, lines 16-31). A user can enter configuration data into the PC (14) in order to select a variety of camera features to cause the customization software to access the corresponding firmware components for the desired camera features (col. 4, lines 32-36). Steinberg states that imaging tools (110), geometric tools (111) and image filters (113) are downloaded from the PC if the user selects them (col. 6, lines 53-59).

Providing customization software to a digital camera via an external device capable of changing camera features such as image filters is well known and used in the art as shown by Steinberg. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of customizing a camera using software that is capable of changing camera features such as image filters, imaging tools, or geometric tools as taught in Steinberg in the digital camera coupled to a host computer as disclosed by Kare in view of Alland. Doing so would provide a means for customizing the user interface of a digital camera and entering graphics and text data to a camera through external means (Steinberg: col. 1, lines 65-67).

Re claims 52 and 63, Kare in view of Alland discloses all of the limitations according to claims 42 and 53 above, however Kare in view of Alland fails to state that at least one of the camera features selected by the user includes tone, color, or sharpness adjustments.

Steinberg discloses in figure 1 two digital cameras (10,12) capable of storing firmware components in a programmable memory of the digital camera. Customization

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software that can access a plurality of firmware components and provide a variety of different camera features is provided on an external device such as a PC (14) (col. 4, lines 16-31). A user can enter configuration data into the PC (14) in order to select a variety of camera features to cause the customization software to access the corresponding firmware components for the desired camera features (col. 4, lines 32-36). Steinberg states that tone or color adjustments or sharpness adjustments are downloaded from the PC if the user selects them (col. 6, lines 14-29). Providing customization software to a digital camera via an external device capable of changing camera features such as tone, color, or sharpness adjustments is well known and used in the art as shown by Steinberg. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of customizing a camera using software that is capable of changing camera features such as tone, color, or sharpness adjustments as taught in Steinberg in the digital camera coupled to a host computer as disclosed by Kare in view of Alland. Doing so would provide a means for customizing the user interface of a digital camera and entering graphics and text data to a camera through external means (Steinberg: col. 1, lines 65-67).

Claims 44 and 55 rejected under 35 U.S.C. 103(a) as being unpatentable over Kare et al. in view of Alland et al. as applied to claims 42 and 53 and further in view of Nakajima EP 0998140.

Re claims 44 and 55, Kare in view of Alland discloses all of the limitations according to claims 42 and 53. However, the digital camera coupled to a host computer as taught by Kare in view of Alland fails to state that the camera customization software is provided by a Network Service Provider.

Nakajima discloses in figure 2c a digital camera that is capable of downloading a program including customization software provided by a Network Service Provider (col. 7, lines 37-43). Downloading customization software and programs for a digital camera via a modem is well known and used in the art as evidenced by Nakajima. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the digital camera capable of downloading customization software and programs via a modem as taught in Nakajima in the digital camera coupled to a host computer as disclosed by Kare in view of Alland. Doing so would provide a means for customizing the graphical user interface of a digital camera and providing a plurality of camera features that vary according to the current user of the camera. Thus allowing different users of the camera to create a graphical user interface that best suits their needs. Furthermore, the features may be provided by a variety of external sources since they can be accessed using an Internet Service Provider (Nakajima: col. 7, lines 37-43).

Claims 46, 57, and 64-65 rejected under 35 U.S.C. 103(a) as being unpatentable over Kare et al. in view of Alland et al. as applied to claims 45, 53 and 56 and further in view of Ogasawara US 6,512,919.

Re claims 46 and 57 Kare in view of Alland discloses all of the limitations according to claims 45,53 and 56. However, the digital camera coupled to a host computer as taught by Kare in view of Alland fails to state that the host computer is provided in a retail establishment.

Ogasawara discloses in figure 1 a wireless videophone that is capable of downloading a program including customization software provided by a host computer in a retail establishment (col. 14, lines 37-49). Downloading customization software and programs from a host computer provided in a retail establishment is well known and used in the art as evidenced by Ogasawara. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the wireless videophone capable of downloading customization software and programs provided by a host computer in a retail establishment as taught in Ogasawara in the digital camera coupled to a host computer as taught by Kare in view of Alland. Doing so would provide a means for customizing the graphical user interface of a digital camera and providing a plurality of camera features that vary according to the current user of the camera. Thus allowing different users of the camera to create a graphical user interface that best suits their needs. Furthermore, the features may be purchased from a host computer that is provided in a retail establishment (Ogasawara: col. 2, lines 62-67).

Re claim 64, Ogasawara states that the user provides a payment identifier specifying the account to be debited to pay for the selected features (col. 14, lines 44-49).

Re claim 65, the account disclosed by Ogasawara is a credit card account (col. 14, lines 46-47).

Claims 47 and 58 rejected under 35 U.S.C. 103(a) as being unpatentable over Kare et al. in view of Alland et al. as applied to claims 42 and 53 and further in view of Aihara US 6,223,190.

Re claims 47 and 58 Kare in view of Alland discloses all of the limitations according to claims 42 and 53. However, the digital camera coupled to a host computer as taught by Kare in view of Alland fails to state the digital camera includes a memory card that stores the configured firmware.

Aihara discloses in figure 1 a digital camera (110) including a user interface (figs. 5A, 5B: 408)(col. 6, lines 39-59). The camera includes a removable memory card (354) that contains system files that can be downloaded to the camera (col. 11, lines 1-8). The graphical user interface is modified in response to input from a user and firmware is configured and stored in the digital camera to customize the user interface of the digital camera (col. 11, lines 13-36). Storing configured firmware of a digital camera on a removable memory card is well known and used in the art as evidenced by Aihara. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the digital camera including a removable memory card for storing configured firmware of the camera as taught in Aihara in the digital camera coupled to a host

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computer as taught by Kare in view of Alland. Doing so would provide a means for customizing the graphical user interface of a digital camera and providing a plurality of camera features that vary according to the current user of the camera. Thus allowing different users of the camera to create a graphical user interface that best suits their needs. Furthermore, the features may be stored on a removable memory card so that they may be made available to the user (Aihara: col. 11, lines 9-13).

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is (571) 272-7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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